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CASE 1831D.FDI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

HANCHETT, ET AL.

S.N. 10/053,926

FILED: 22 JANUARY 2002

FOR: SAGO FLUIDITY STARCH AND USE THEREOF

GROUP ART UNIT: 1761

EXAMINER: ARTHUR L CORBIN

Commissioner of Patents and Trademarks

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REPLY BRIEF

This is in response to the Examiner's Answer dated 29 June 2005.

Examiner's Section 10: Response to Argument

The Examiner states that "Eden et al clearly discloses a preference for using sago starch."

Applicants disagree in that Eden states "acid-hydrolyzed or oxidized corn, sorghum, and wheat starches having amylose contents of about 25-35% amylose are preferably employed in the blend." Further, none of Eden's ten examples with numerous starches disclosed uses a fluidity sago starch.

The Examiner further states that "Eden, et al discloses a water fluidity range of 40-80 for 'converted starches' in column 8, lines 30-68." This is not a disclosure of specific water fluidities of starches made. It is a generalized table used to convert viscosity to fluidity numbers and necessary for the methodology of determining water fluidity of any starch.

Applicants would also like to clarify their statement that a "disclosure of such a multitude of compounds would not render obvious a claim limited to simply a few, particularly when such disclosure indicates a preference leading away from the claimed compounds." The Examiner states that "the 8 converted starches listed by Eden et al are a very limited number and do not constitute a multitude of compounds." Applicants agree that only eight base starches are disclosed (corn, potato, etc.), but also any

water fluidity may be used. As water fluidity is an important limitation of the present invention, these need to be taken into account as well. Thus, Eden discloses eight starches with a water fluidity of 10, eight with a water fluidity of 15, etc. which Applicants would consider a multitude.

Finally, the Examiner states that although "Eden et al may not recognize that gel strength increases, such a result is obviously apparent since Eden et al's sago starch has the same physical characteristics, i.e. water fluidity, as appellant's claimed starch." Applicants do not agree for the reasons of record that Eden's starch is the same starch. However, even if it were, this would not obviate the method claims.

Conclusion


Appellants again submit that the claimed subject matter would not have been anticipated, by nor obvious to one skilled in the art from, the disclosure of Eden (U.S. Patent 4,874,628).

The rejection of record cannot be sustained and the Board is requested to reverse the Examiner's rejection.

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Date: 22 July 05

Respectfully submitted,


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